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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/500,322

06/28/2004

Si-Woo Park

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EXAMINER

ALTSCHUL, AMBER L

ART UNIT

PAPER NUMBER

3626

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/19/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/500,322

Applicant(s)

PARK ET AL.

Examiner

Amber L. Altschul

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 06/28/2004, 09/05/2006.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-8 have been presented for examination.

#### **Priority**

2. This application claims benefit of PCT/KR03/00025 filed on January 8, 2003 which further claims benefit of Republic of Korea application 10-2002-0000893 filed on January 8, 2002. Applicant's claim for the benefit of this prior-filed application is acknowledged.

#### **Information Disclosure Statement**

3. The information disclosure statements (IDS) submitted on June 28, 2004 and September 5, 2006 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being considered by the examiner.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 2 contains the trademark/trade names BlueTooth, IEEE 802.11, IrDA, and Home RF. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods

Art Unit: 3626

associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe a medical terminal and, accordingly, the identification/description is indefinite. Therefore, Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claims 4,5,7 and 8 recites the limitation "RF". The limitation "RF" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Therefore, Claims 4,5,7 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent Number 5,959,529, Kail, et al., hereinafter Kail. (Reference A on the attached PTO-892).

9. Regarding claim 1, Kail teaches a medical terminal in a portable medical system that communicates medical information between a wireless terminal and said medical terminal by wireless, (abstract), said medical terminal comprising:

a condition examining part for examining a condition of user's health, (column 1, lines 59-65);

a medical information converting part for converting condition information produced by said condition examining part into medical information that can be perceived by the outside world, (column 4, lines 19-41);

a local wireless interface for medical terminal for transmitting medical information to the local wireless interface of the wireless terminal, such that the medical information is transmitted to a medical institution and a medical result information is transmitted from the medical institution, (column 2, lines 13-21); and

a controlling part for controlling operations of said condition examining part, said medical information converting part, and said local wireless interface for medical terminal, (column 4, lines 19-41).

10. Regarding claim 2, Kail teaches the method of claim 1 as described above. Kail further teaches wherein said local wireless interfaces with the wireless terminal, and said medical terminal is one selected from a group consisting of BlueTooth, IEEE 802.11, IrDA, and Home RF, (column 4, lines 61-67 and column 5, lines 1-13).

11. Regarding claim 3, Kail teaches the method of claim 1 as described above. Kail further teaches wherein said condition examining part is one selected from a group consisting of a blood pressure monitor, a thermometer, a heart rate monitor, a diabetes monitor, a blood flow monitor, a blood glucose monitor, and an atmosphere monitor, (column 2, lines 22-27).

Art Unit: 3626

12. Regarding claim 4, Kail teaches a wireless terminal for remote access examination in a portable medical system that communicates medical information between said wireless terminal and a medical terminal by wireless, (abstract), said wireless terminal comprising:

an input part for receiving information from a user, (column 3, line 12);

an output part for displaying selected information to be perceived by the user, (column 3, lines 12-14);

a local wireless interface for wireless terminal to receive medical information via a local wireless interface for the portable medical system, (column 3, lines 8-18);

an RF converting part for converting medical information into an RF signal for wireless communication, (column 4, lines 19-41);

an RF transducer for transmitting the RF signal to a predetermined medical institution and for receiving medical result information from the medical institution, (column 6, lines 49-67 and column 7, lines 1-20);

a memory for storing selected information, (column 5, line 3); and

a controlling part for controlling operations of said input part, said output part, said local wireless interface for wireless terminal, and said RF transducer, (column 6, lines 49-67 and column 7, lines 1-20).

13. Regarding claim 5, Kail teaches a remote medical system, (abstract), comprising:

a medical terminal for examining a condition of user's health to produce medical information, (column 7, lines 60-67 and column 8, lines 1-28); and

a wireless terminal for transmitting medical information received from said medical terminal to a predetermined medical institution and for receiving medical result information from the medical institution, (column 8, lines 29-57),

wherein said medical terminal comprises:

a condition examining part for examining the condition of user's health, (column 1, lines 59-65);

a medical information converting part for converting condition information produced by said condition examining part into medical information that can be perceived by the outside world, (column 4, lines 19-41);

a local wireless interface for medical terminal for transmitting medical information to the local wireless interface of the wireless terminal, such that medical information is transmitted to a medical institution and medical result information is transmitted from the medical institution, (column 2, lines 13-21); and

a controlling part for controlling operations of said condition examining part, said medical information converting part, and said local wireless interface for medical terminal, (column 4, lines 19-41),

wherein said wireless terminal comprises:

an input part for receiving information from the user, (column 3, line 12);

an output part for displaying selected information to be perceived by the user, (column 3, lines 12-14);

a local wireless interface for wireless terminal to receive medical information via a local wireless interface for the portable medical system, (column 3, lines 8-18);

Art Unit: 3626

an RF converting part for converting medical information into an RF signal for wireless communication, (column 4, lines 19-41);

an RF transducer for transmitting the RF signal to the medical institution and for receiving medical result information from the medical institution, (column 6, lines 49-67 and column 7, lines 1-20);

a memory for storing selected information, (column 5, lines 3); and

a controlling part for controlling operations of said input part, said output part, said local wireless interface for wireless terminal, and said RF transducer, (column 6, lines 49-67 and column 7, lines 1-20).

14. Regarding claim 6, Kail a method for processing medical information by using a wireless terminal and a medical terminal both having local wireless interfaces, (abstract), said method comprising the steps of:

examining a condition of user's health, (column 1, lines 59-65);

converting condition information related to the condition of user's health into medical information that can be perceived by the outside world, (column 4, lines 19-41); and

transmitting the medical information to the local wireless interface for wireless terminal through the local wireless interface for medical terminal for the purpose of transmitting the medical information from the wireless terminal to a predetermined medical institution and receiving medical result information from the medical institution, (column 2, lines 13-21).

15. Regarding claim 7, Kail teaches a method for processing medical information by using a wireless terminal and a medical terminal both having local wireless interfaces, (abstract), said method comprising the steps of:

receiving medical information provided through a local wireless interface for medical terminal, (column 3, lines 8-18);

converting medical information into an RF signal for wireless communication, (column 4, lines 19-41);

transmitting the RF signal to a predetermined medical institution through a wireless network, (column 6, lines 49-67 and column 7, lines 1-20); and

displaying medical result information received from the medical institution for a user to perceive, (column 3, lines 12-14).

16. Regarding claim 8, Kail teaches a method for processing medical information in a remote access medical system provided with a wireless terminal and a medical terminal both having local wireless interfaces, (abstract), said method comprising the steps of:

examining a condition of user's health, (column 1, lines 59-65);

converting condition information related to the condition of user's health into medical information that can be perceived by the outside world, (column 4, lines 19-41);

transmitting medical information to the local wireless interface for wireless terminal through the local wireless interface for medical terminal for the purpose of transmitting medical information from the wireless terminal to a predetermined medical institution and receiving medical result information from the medical institution, (column 2, lines 13-21);

receiving medical information provided through a local wireless interface for medical terminal, (column 3, lines 8-18);

converting medical information into an RF signal for wireless communication, (column 4, lines 19-41);

transmitting the RF signal to a predetermined medical institution through a wireless network, (column 6, lines 49-67 and column 7, lines 1-20); and

displaying the medical result information received from the medical institution for a user to perceive, (column 3, lines 12-14).

### **Conclusion**

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied art teaches Wireless device with automatic auto-response setting function (US 6044262 A), Dispersed-type testing measuring system and dispersed-type care system (US 6221009 B1), Reprogrammable remote sensor monitoring system (US 6225901 B1), Distributed mobile biometric identification system with a centralized server and mobile workstations (US 6317544 B1), System for long-term remote medical monitoring (US 6315719 B1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amber L. Altschul whose telephone number is 571-270-1362. The examiner can normally be reached on M-Th 7:30-5, F 7:30-4, every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone numbers

Art Unit: 3626

for the organization where this application or proceeding is assigned are (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-8219.

ALA

ALA  
April 12, 2007

*Carolyn Bleck*  
Patent Examiner - 3626  
4/16/07